

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BEATRICE I. LUCERO,

Plaintiff,

v.

Case No. 1:11-CV-00855 JB/LAM

STATE OF NEW MEXICO,  
NEW MEXICO DEPARTMENT  
OF TAXATION AND REVENUE  
a New Mexico governmental entity,

Defendants.

**MOTION TO DISMISS**

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Comes now Defendants, the State of New Mexico, New Mexico Department of Taxation and Revenue and moves the Court for a dismissal, with prejudice, of the Plaintiff's claims and complaint herein and all issues in controversy between the parties. Plaintiff concurs with this motion.

WHEREFORE, the Defendant prays that the Plaintiff's claims and complaint be dismissed with prejudice.

LONG, POUND & KOMER, P. A.  
*Attorneys for Defendants*

/s/Mark E. Komer  
MARK E. KOMER  
2200 Brothers Road  
P. O. Box 5098  
Santa Fe, NM 87502-5098  
505-982-8405  
505-982-8513 (FAX)  
lpk@nm.net

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 23<sup>rd</sup> day of October 2012, I mailed a copy of the foregoing **Motion to Dismiss** to Beatrice Lucero, Ph.D., 62880 W. La Salle Road, #181, Montrose, CO 81401. I FURTHER CERTIFY that I filed this **Motion to Dismiss** electronically through the CM/ECF system as more fully reflected on the Notice of Electronic filing.

/s/Mark E. Komer

MARK E. KOMER